

S.B.CIVIL WRIT PETITION NO. 5880/1993
Likhma Ram Vs. Union of India & Ors.

DATE OF ORDER :: 03rd July, 2007

HON'BLE MR.JUSTICE GOVIND MATHUR

Mr. M.R. Singhvi, for the petitioner.
Mr. V.K. Mathur, for the respondents.

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By this petition for writ a challenge is given to the order dated 14.9.1993 passed by the Addl. Deputy Inspector General of Police, GC-II, C.R.P.F., Ajmer whereby the petitioner was terminated from service by exercising powers under sub-rule (1) of Rule 5 of Central Civil Service (Temporary Services) Rules, 1955. In brief the facts of the case are that the petitioner was enrolled as Sepoy in Central Reserve Police Force by an order dated 9.3.1993. While undergoing training it came into knowledge of the respondents that the petitioner was facing a criminal trial for the offences punishable under Section 452, 332 and 352 IPC before the Court of Judicial Magistrate, 1st Class, Pipar City, but this fact was not disclosed by the petitioner while seeking appointment. The respondents, accordingly, passed the order impugned.

The contention of learned counsel for the petitioner is that the order impugned deserves to be quashed as the foundation of terminating the petitioner itself is bad in eye of law in view of the fact that there was no column in the prescribed proforma for making application for appointment with regard to giving reference of the criminal trial faced by an aspirant. It is also contended by learned counsel for the

petitioner that even if it is assumed that some omission was made by the petitioner while making application for appointment, then the same is also of no consequence as in the case concerned the competent court released the petitioner on probation by the order dated 6.10.1993 with an observation that it shall be having no effect upon his service career.

Per contra, in reply to the writ petition, it is stated by the respondents that in the prescribed proforma for applying for recruitment, a specific column was there demanding necessary particulars about the criminal case, if any, pending or ever faced. It is also contended by learned counsel for the respondents that the observation made by learned Magistrate, 1st Class, Pipar City in his judgment and order dated 6.10.1993 is having no consequence as the trial court was having no jurisdiction to make any observation with regard to service of the petitioner.

Heard counsel for the parties.

A photocopy of the form, that was submitted by the petitioner to Central Reserve Police Force was also shown to me by learned counsel for the respondents wherein under column No.12 such information was demanded and the petitioner in quite unambiguous terms mentioned "NO", that means he denied the fact about the pendency of the criminal case.

In view of the fact that a specific column was there in the application form prescribed by CRPF demanding necessary facts about the pendency of the criminal case, I do not find any force in the contention of learned counsel for the petitioner that the foundation for discontinuing the petitioner from service was non-existent. As a matter of fact the petitioner not only concealed the material fact but also

made a false statement by mentioning “NO” in response to the information demanded under column 12 of the form concerned.

The petitioner was convicted for the offences under Indian Penal Code and was sentenced to be on probation but while doing so learned trial court observed that this probation shall not effect his service career, but I am of the considered opinion that the trial court was having no authority to make any such observation. The trial court should have confined itself to the adjudication of the criminal charges only. Any observation made by the trial court relating to the petitioner's service career, therefore, is of no consequence.

In view of whatever discussed above I do not find any merit in this petition for writ. The same, therefore, is dismissed.

(GOVIND MATHUR), J .

jgoyal